

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 24

Introduced by Assembly Member Negrete McLeod

December 2, 2002

An act to ~~amend Section 115922~~ add Section 2079.7a to the Civil Code, and to amend Sections 1799.204 and 1799.207 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 24, as amended, Negrete McLeod. ~~The Swimming Pool Safety Act~~ *Swimming pools and spas: child drowning hazards.*

Existing law creates an Emergency Medical Services Authority in the California Health and Human Services Agency. It requires the authority to, among other things, provide technical assistance to agencies, counties, and cities for developing components of emergency medical services systems.

Existing law establishes within the authority the Emergency Medical Services for Children (EMSC) Program, contingent upon available funding. Existing law requires the authority to implement the EMSC Program, as specified, and authorizes local emergency medical service agencies to develop an EMSC Program and to integrate an EMSC Program component, as specified, into their emergency medical services plan.

Existing law authorizes the authority to solicit and accept grant funding from public and private sources to supplement state funds.

This bill would require the authority, in order to implement the EMSC Program, and upon receipt of funds, to produce an informative brochure

or booklet, for consumer use, explaining the child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas. This bill would authorize the authority to solicit and accept grant funding from public or private sources for this purpose.

Existing law imposes on licensed real estate brokers or salespersons a duty to prospective purchasers of residential real property comprising one to 4 dwelling units, or manufactured homes, as defined, to conduct a reasonably competent and diligent visual inspection of the property offered for sale and to disclose to prospective purchasers all facts materially affecting the value or desirability of the property that an investigation would reveal, in specified situations.

This bill would provide that if an informative brochure or booklet described above is delivered to a transferee in connection with the transfer of real property or manufactured housing, as specified, a seller or broker is not required to provide additional information concerning child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for home swimming pools and spas.

~~(1) The Swimming Pool Safety Act requires, on and after January 1, 1998, that a new swimming pool at a private, single-family home for which a construction permit is issued be equipped with at least one of 4 specified safety features to prevent unintentional drowning, or other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the specified safety features.~~

~~This bill would require, beginning July 1, 2004, that any swimming pool that is manufactured or sold in this state for installation at, or for which a construction permit is issued for construction at, a private, single-family home, be equipped with an approved vibration or motion sensing alarm system that is activated whenever a body of a specified mass and weight falls into the pool. By increasing the enforcement duties of local public officials, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 115922 of the Health and Safety Code~~

SECTION 1. *Section 2079.7a is added to the Civil Code, to read:*

2079.7a. (a) *If an informative brochure or booklet described in paragraph (8) of subdivision (c) of Section 1799.204 of the Health and Safety Code is delivered to a transferee in connection with the transfer of real property, including property specified in Section 1102, or manufactured housing, as defined in Section 18007 of the Health and Safety Code, a seller or broker is not required to provide additional information concerning swimming pool or spa safety measures, swimming pool drowning hazards, or appropriate swimming pool or spa drowning hazard prevention measures, as described in the brochure or booklet, and the information shall be deemed to be adequate to inform the transferee regarding those matters.*

(b) *Notwithstanding subdivision (a), nothing in this section either increases or decreases the duties, if any, of a seller or broker, including, but not limited to, the duties of a seller or broker under this article or Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2, or alters the duty of a seller or broker to disclose the existence of known defects in or affecting the real property.*

SEC. 2. *Section 1799.204 of the Health and Safety Code is amended to read:*

1799.204. (a) *For purposes of this chapter, the following definitions apply:*

(1) *“EMSC Program” means the Emergency Medical Services For Children Program administered by the authority.*

(2) *“Technical advisory committee” means a multidisciplinary committee with pediatric emergency medical services, pediatric critical care, or other related expertise.*

(3) *“EMSC component” means the part of the local agency’s EMS plan that outlines the training, transportation, basic and advanced life support care requirements, and emergency*

1 department and hospital pediatric capabilities within a local
2 jurisdiction.

3 (b) Contingent upon available funding, an Emergency Medical
4 Services For Children Program is hereby established within the
5 authority.

6 (c) The authority shall do the following to implement the
7 EMSC Program:

8 (1) Employ or contract with professional, technical, research,
9 and clerical staff as necessary to implement this chapter.

10 (2) Provide advice and technical assistance to local EMS
11 agencies on the integration of an EMSC Program into their EMS
12 system.

13 (3) Oversee implementation of the EMSC Program by local
14 EMS agencies.

15 (4) Establish an EMSC technical advisory committee.

16 (5) Facilitate cooperative interstate relationships to provide
17 appropriate care for pediatric patients who must cross state borders
18 to receive emergency and critical care services.

19 (6) Work cooperatively and in a coordinated manner with the
20 State Department of Health Services and other public and private
21 agencies in the development of standards and policies for the
22 delivery of emergency and critical care services to children.

23 (7) On or before March 1, 2000, produce a report for the
24 Legislature describing any progress on implementation of this
25 chapter. The report shall contain, but not be limited to, a
26 description of the status of emergency medical services for
27 children at both the state and local levels, the recommendation for
28 training, protocols, and special medical equipment for emergency
29 services for children, an estimate of the costs and benefits of the
30 services and programs authorized by this chapter, and a calculation
31 of the number of children served by the EMSC system.

32 (8) *Upon receipt of funds solicited pursuant to subdivision (b)*
33 *of Section 1799.207, produce an informative brochure or booklet,*
34 *for consumer use, explaining the child drowning hazards of,*
35 *possible safety measures for, and appropriate drowning hazard*
36 *prevention measures for, home swimming pools and spas. The*
37 *authority shall place the document in the public domain, and shall*
38 *make available to the public, at the authority's cost, a*
39 *camera-ready copy of the document. The document shall be*
40 *drafted in such a way as to facilitate its inclusion in real estate*

1 *transactional documents and in documents related to retail sales*
2 *of home pools and spas.*

3 *SEC. 3. Section 1799.207 of the Health and Safety Code is*
4 *amended to read:*

5 1799.207. (a) The authority may solicit and accept grant
6 funding from public and private sources to supplement state funds.

7 (b) *The authority may also solicit and accept grant funding*
8 *from public or private sources for the specific purpose of*
9 *implementing paragraph (8) of subdivision (c) of Section*
10 *1799.204.*

11 *is amended to read:*

12 ~~115922. —(a) Except as provided in Section 115925, whenever~~
13 ~~a construction permit is issued for construction of a new swimming~~
14 ~~pool at a private, single-family home it shall be equipped with at~~
15 ~~least one of the following safety features:~~

16 ~~(1) The pool shall be isolated from access to a home by an~~
17 ~~enclosure that meets the requirements of Section 115923.~~

18 ~~(2) The pool shall be equipped with an approved safety pool~~
19 ~~cover.~~

20 ~~(3) The residence shall be equipped with exit alarms on those~~
21 ~~doors providing direct access to the pool.~~

22 ~~(4) All doors providing direct access from the home to the~~
23 ~~swimming pool shall be equipped with a self-closing, self-latching~~
24 ~~device with a release mechanism placed no lower than 54 inches~~
25 ~~above the floor.~~

26 ~~(5) Other means of protection, if the degree of protection~~
27 ~~afforded is equal to or greater than that afforded by any of the~~
28 ~~devices set forth in paragraphs (1) to (4), inclusive, as determined~~
29 ~~by the building official of the jurisdiction issuing the applicable~~
30 ~~building permit. Any ordinance governing child access to pools~~
31 ~~adopted by a political subdivision on or before January 1, 1997, is~~
32 ~~presumed to afford protection that is equal to or greater than that~~
33 ~~afforded by any of the devices set forth in paragraphs (1) to (4),~~
34 ~~inclusive.~~

35 ~~(b) Commencing July 1, 2004, any swimming pool~~
36 ~~manufactured or sold in this state for installation at, or for which~~
37 ~~a construction permit is issued for construction at, a private,~~
38 ~~single-family home shall be equipped with an approved vibration~~
39 ~~or motion-sensing alarm system that is activated whenever a body~~
40 ~~of a specified mass and weight falls into the pool.~~

1 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of~~
6 ~~Section 17556 of the Government Code.~~

